

ZB# 97-10

Charles Lomartere

41-3-2.41

Prelim.

Feb. 24 1997

return out - 3/24/97.

Motion to Sched. P.H.

Photos - here 4.

Fees: paid 4

Deed here 4

Notice to Seintind on 3/20/97.

Public Hearing:

April 14, 1997.

Area Variance

Granted

Refund: \$189.18

97-10 - Lamartere, Charles P.
Area - 41-3-2.41

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

16200

March 19 1997

Received from Charles Lomatore \$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 97-10

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 3104		

By Dorothy H. Hanson

WILLIAMSON LAW BOOK CO., VICTOR, N.Y.





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Lomardine, Charles

FILE # 97-10

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00
* * * * *

paid
ck
3104

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00
3/19/97

paid
check
3105

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 2/24/97 - 6 pages \$ 27.00
2ND PRELIM. MEETING - PER PAGE 4/19/97 - 3 " \$ 13.50
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . . 2/21/97 \$ 35.00
2ND PRELIM. \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING \$

TOTAL \$ 70.00

MISC. CHARGES:

Postage \$.32
TOTAL \$ 110.82

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$
REFUND DUE TO APPLICANT . \$ 189.18

Date 4/30 , 19.. 77

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Charles Lomastere DR.
28 Jay Street
New Windsor, N.Y. 12553.

Charge: 26A

DATE	CLAIMED	ALLOWED
4/30/97	Refund of Cocrow # 97-10	# 189. 18
<p>Approved: Patricia A. Barham</p> <p>ZBA</p>		

CHARLES P. LOMARTERE
LAURIE D. LOMARTERE

TEL 914-665-1659

28 JAY STREET

NEW WINDSOR, NY 12550

3105

50-7131/2219

March 1997

Pay to the order of New Windsor
Homes, Windsor and 1/100

\$300^{xx}/100

DOLLARS



WALDEN SAVINGS BANK

Cornwall, NY

P.O. Box 285, 321 Main St.

Cornwall, NY 12420

ZBA #97-10

FOR VARIANCE 28 Jay St.

Charles P. Lomartere

⑆221971316⑆06 05 012442⑆ 3105

©Chase American

Flying Colours® WFL

CHARLES P. LOMARTERE
LAURIE D. LOMARTERE

TEL 914-665-1659

28 JAY STREET

NEW WINDSOR, NY 12550

104

PAY TO THE ORDER OF

Fifty and 1/10

\$50^{xx}/100

DOLLARS



WALDEN SAVINGS BANK

Cornwall, NY

P.O. Box 285, 321 Main St.

Cornwall, NY 12420

ZBA #97-10

FOR VARIANCE 28 Jay St.

Charles P. Lomartere

⑆221971316⑆06 05 012442⑆ 3104

©Chase American

Flying Colours® WFL

In the Matter of the Application of

CHARLES P. LOMARTERE

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#97-10

WHEREAS, CHARLES P. LOMARTERE, 28 Jay Street, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 6 ft. rear yard variance for a 12 ft. x 12 ft. existing deck located at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 24th day of February, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one family home located in a neighborhood of one family homes.

(b) When the shed was constructed it was mistakenly constructed too close to the boundary line with a property owned by a neighbor.

(c) The shed is substantial in nature with surrounding landscaping and exterior and interior electric service.

(d) The shed is located on posts and its movement could possibly damage the shed.

(e) The shed as is presently located does not interfere with any drainage or water flow or cause any ponding or accumulation of water.

(f) The shed is not located on any sewage or other easements.

(g) There are similar sheds located in the neighborhood.

(h) No trees or shrubs were removed to construct the shed.

(i) There are other similar sheds in the neighborhood.

(j) The shed does not interfere with any traffic sight lines.

(k) The shed is located in the most out of the way place it could be placed on the property.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing structure will enhance rather than detract from the value of the property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reason that a shed is a permissible accessory structure and it is located on the premises in the least intrusive place possible due to the nature and location of the property.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 6 ft. rear yard variance for an existing shed located at the above-referenced property in an R-4 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 23, 1997.

S/ James Nugent
Chairman

Date 4/14/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 N. Drury Lane DR.
Newburgh, NY 12550

TB	CLAIMED	ALLOWED
#17	75.00	
Zoning Board Meeting		
Misc - 3		
Santillo - 3		
Tarsio - 3		
Petro Metals - 4		
Lo Martere - 3 13.50		
Morfe - 2		
Lanthier - 2		
Dietz - 3		
23 pgs	103.50	
<i>James Murphy</i>	178.50	

LOMARTERE, CHARLES

MR. NUGENT: Request for 6 ft. rear yard variance for existing shed at 28 Jay Street in an R-4 zone.

Mr. Charles Lomartere appeared before the board for this proposal.

MR. NUGENT: Is there anyone in the audience for this applicant? Let the record show that there is no one in the audience. You may proceed.

MR. LOMARTERE: I'm requesting the variance on my property located at 28 Jay Street for the following reasons. I'm trying to refinance this property and I recently discovered I do not have the correct distance from a shed built on my property that is abutting my neighbor. I believe the shed itself has added value to my property and to the neighborhood. The shed was built to match the appearance of my home, as you can see from the photos that I turned in at the last meeting. To move the shed would be costly and very inconvenient. I have electric lines running from the house to the shed which provide lights inside the shed and for two lights located on the outside of the shed. There's an electric plug located on the outside of the shed which provides a electricity for the lights surrounding the shed which light up from dusk to dawn. I have shrubs, white stone and red brickwork around the area around the shed to add beauty. All of this would have to be moved. The shed is located on posts and not a cement slab, to move the shed would possibly damage the structure. Therefore, I'm requesting a variance on my property to refinance my home to meet the zoning laws and to prevent any future problems.

MR. TORLEY: That is a lovely shed.

MR. LOMARTERE: Thank you.

MR. TORLEY: For the record, sir, this shed does not cause problems with drainage or water flow for your neighbors?

MR. LOMARTERE: No, it doesn't.

MR. TORLEY: As you have stated, it would be economically unfeasible for you to move the shed?

MR. LOMARTERE: Definitely.

MR. KRIEGER: Has the neighbor indicated any willingness to sell you any of his property?

MR. LOMARTERE: I haven't inquired.

MR. KRIEGER: It's a one, your house is a one-family house located in a neighborhood of one-family houses, is that correct?

MR. LOMARTERE: Yes, it is.

MR. KRIEGER: Neighbor that I refer to nearest the shed that is also one-family house?

MR. LOMARTERE: Yes, it is.

MR. TORLEY: Then there are no sewage easements or easements that you are encroaching on?

MR. LOMARTERE: No, sir.

MR. KRIEGER: There are other similar, albeit not as attractive, but other similar sheds in the neighborhood for other properties?

MR. LOMARTERE: Yes, there is.

MR. NUGENT: Further questions? I'll accept a motion.

MR. TORLEY: Mr. Chairman, I move we grant Mr. Lomartere his requested variances for his existing shed.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN
MR. REIS

AYE
AYE

April 14, 1997

14

MR. TORLEY AYE
MR. NUGENT AYE

MR. REIS: Very nice presentation, sir.

MR. LOMARTERE: Thank you.

Prelim.
Feb. 24, 1997.
#97-10

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JANUARY 3, 1997

APPLICANT: CHARLES P. LAMARTERE
28 JAY STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JANUARY 3, 1997

FOR (BUILDING PERMIT): EXISTING SHED 12'X 12'

LOCATED AT: 28 JAY STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 41, BLOCK: 3, LOT: 2.41

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING 12FT. X 12FT. SHED PROJECTS CLOSER TO REAR PROPERTY LINE THAN MINIMUM 10FT. SET-BACK.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14 A-1-(B)	REVISED 2-24-97
REQ'D REAR YD. 10FT.	4FT 7FT.	6FT 9FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

RECEIVED JAN 02 1996

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Charles P. Lomartene
Address 28 Jay Street, New Windsor, N.Y. Phone 565-1659
Mailing Address Same as above.
Name of Architect Robert Morina (Works on work at Dutchess Race School)
Address Walden, N.Y. Phone 895-3120
Name of Contractor Robert Morina
Address Walden, N.Y. (May have moved) Phone 895-3120
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer. NA

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

(Location)

1. On what street is property located? On the East side of Jay St., New Windsor, N.Y.
(N, S, E or W)
and Dead end Street from the intersection of Shed is up and located behind the house at 28 Jay St.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 41 Block 3 Lot 2.41

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐

6. Is this a corner lot? No - Existing (existing) - Shed 12x12

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____

Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____

If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$3,000 Fee \$50

(To be Paid on this Application)

11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost an additional fee may be required before the issuance of Certificate of Occupancy.

1 / 19
APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi, Ernst Schmidt
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☒

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Charles P. Lomatore
(Signature of Applicant)

28 Jay St. New Windsor
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and accurately on the drawings.

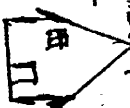
E

Brooks Property



Property Line

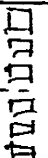
Approximately
7 ft



Shed
measures
12 feet x 12 feet.

Distance of Shed on
38 Day St. to neighbors
Property line (Mike Brooks)
19. Farmstead Road
is approximately
7 feet.

House



Garage

S

N

W

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1-3-97

APPLICANT: CHARLES LOMARTERE

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:

FOR (BUILDING PERMIT):

LOCATED AT: 28 JAY STREET

ZONE:

DESCRIPTION OF EXISTING SITE: SECTION: , BLOCK: , LOT:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 12x12 SHED projects closer to Rear Property line than
2. min 10' Set-Back
- 3.
- 4.

BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE: R-4 USE 48-114 A+(B)

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD

REQ'D TOTAL SIDE YD

REQ'D REAR YD. - 10

7'

3'

REQ'D FRONTAGE

MAX. BLDG. HT.

FLOOR AREA RATIO

MIN. LIVABLE AREA

DEV. COVERAGE

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Charles Tomartie

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

97-10.
-----x

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On March 21, 1997, I compared the 48 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
21st day of March, 1997.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

**RETAKE
OF
PREVIOUS
DOCUMENT**

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Charles Tomartre

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

97-10.

-----x
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On March 21, 1997, I compared the 48 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
20th day of March, 1997.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

48

March 7, 1997

Charles P. Lomartere
28 Jay Street
New Windsor, NY 12553

Re: Tax Map Parcel 41-3-2.41

Dear Mr. Lomartere:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (cmo)
LESLIE COOK
Sole Assessor

LC/cmo

cc: Pat Barnhart, ZBA

Billesimo, Anthony J. Jr. X
Hedlund, Kathleen
46 Cross Street
New Windsor, NY 12553

Zubalsky, Arnold & Edna X
20 Jay Street
New Windsor, NY 12553

Meyers, George & Roseanne X
22 Brandon Court
New Windsor, NY 12553

Ferguson, Edward N. X
1 Brandon Court
New Windsor, NY 12553

Massari, Habib D. & Josephine X
3 Brandon Court
New Windsor, NY 12553

Diaz, Rosalie A. &
Butta, Robert C. X
5 Brandon Court
New Windsor, NY 12553

Joyce, Patricia M. &
Zale, Russell P. X
106-18 78th St.
Ozone Park, NY 11417

Stuber, Wendell R. & X
Untener, Darlene P.
6 Brandon Court
New Windsor, NY 12553

Miller, Joseph S. & Helen M X
38 Cross Street
New Windsor, NY 12553

Millman, Walter S. M. & Jeanna A. X
38 Blooming Grove Turnpike
New Windsor, NY 12553

Devine, Kenneth & Lillian X
5 Allen Place
New Windsor, NY 12553

Fitch, Christopher & Pamela &
Arthur & Dolores X
3 Allen Place
New Windsor, NY 12553

Hamernik, Louis P. & Patricia X
1 Allen Place
New Windsor, NY 12553

Iko, Howard & Patricia X
16 Lillian Place
New Windsor, NY 12553

Visconti, Glenn & Diane X
18 Lillian Place
New Windsor, NY 12553

Patterson, John C. & Denise M. X
13 Lillian Place
New Windsor, NY 12553

Colotti, Domenick A. & Louise M. X
11 Lillian Place
New Windsor, NY 12553

Cocchia, Salvatore C. & Salvatrice X
9 Lillian Place
New Windsor, NY 12553

McCaffrey, Kevin M. & Linda R. X
44 Cross Street
New Windsor, NY 12553

Nunnally, William J. & Vicki X
56 Cross Street
New Windsor, NY 12553

Russe, Anthony & Vera X
14 Cedar Lane
New Windsor, NY 12553

Peluso, Peter A. & Mary J. X
16 Cedar Lane
New Windsor NY 12553

Duckery, William E. & Carolyn L. X
20 Cedar Lane
New Windsor, NY 12553

Olivencia, Michael X
23 Farmstead Road
New Windsor, NY 12553

Morgan, Robert R. & Denise X
21 Farmstead Road
New Windsor, NY 12553

Mandoske, Priscilla L. X
27 Jay Street
New Windsor, NY 12553

Comfort, Harriet L. X
23 Jay Street
New Windsor, NY 12553

Demarco, Eugene & Virginia
19 Jay Street
New Windsor, NY 12553

Scott, William & Dorothy
8 Cedar Lane
New Windsor, NY 12553

Scott, Gordon & Muriel
15 Jay Street
New Windsor, NY 12553

Mandoske, Priscilla
27 Jay Street
New Windsor, NY 12553

duplicate

Laguerras, Margo
26 Barclay Road
New Windsor, NY 12553

Montedeoca, Edwin & Nelida Roman
59 Barclay Road
New Windsor, NY 12553

Arnold, Herbert S. & Verna F.
57 Barclay Road
New Windsor, NY 12553

Sager, Stephen R. Jr. & Roxana V.
55 Barclay Road
New Windsor, NY 12553

Molina, Gilbert & Varnese
53 Barclay Road
New Windsor, NY 12553

Sbarra, Nicholas G
8 Farmstead Road
New Windsor, NY 12553

McDonald Jr., Jan D. & Ann H.
10 Farmstead Road
New Windsor, NY 12553

Sartori, John G. & Angela
12 Farmstead Road
New Windsor, NY 12553

Coloni, Margaret R.
PO Box 4097
New Windsor, NY 12553

Wickham, Michael V., Mary C., Leslie H
56 Barclay Road
New Windsor, NY 12553

Volpe, Frank Jr. & Cynthia X
52 Barclay Road
New Windsor, NY 12553

Sabater, Jaime &
Nee, Lorraine X
50 Barclay Road
New Windsor, NY 12553

Kennedy, Joseph C. & Roseann T. X
5 Farmstead Road
New Windsor, NY 12553

Wilson, Alvin & Cynthia Y
11 Farmstead Road
New Windsor, NY 12553

Kravitz, Alan George X
13 Farmstead Road
New Windsor, NY 12553

Alphonse, Rene & Margaret X
15 Farmstead Road
New Windsor, NY 12553

Foti Jr., Joseph & Susan Y
17 Farmstead Road
New Windsor, NY 12553

Brooks, Michael M. & Judith A. Pizzingrillo X
19 Farmstead Rd.
New Windsor, NY 12553

Pts. publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 10

Request of Charles P. Lomartere

for a VARIANCE of the Zoning Local Law to permit:

existing 12 ft. x 12 ft. shed w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Regs. - Col. G

for property situated as follows:

28 Jay Street, New Windsor, N.Y.

known as tax lot Section 41 Block 3 Lot 2.41

SAID HEARING will take place on the 14th day of April,
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-10

Date: 3/19/97

I. ✓ Applicant Information:

- (a) Charles Lombardiere, 28 Jay St., New Windsor, 565-1659 - Lombardiere
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Richard Chasino, 100 Commence Dr., Suite 107, New Windsor, 562-8877
(Name, address and phone of attorney)
- (d) Lu Jan Home Builders Inc, 236 Rt. 306, Monsey, N.Y. 10952
(Name, address and phone of contractor/engineer/architect)
Tony Conte - Tel. 354-5066

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. ✓ Property Information:

- Lot # 4
- (a) R-4 28 Jay St. New Windsor, N.Y. 41-3-2.41 Depth = 150.00
(Zone) (Address) (S B L) (Lot size) Fr. Ft. = 100.00
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 6 Jan 1989
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? N/A
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Presently there is a shed already built on the property.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. ☒ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd. <u>10 ft.</u>	<u>4 ft.</u>	<u>6 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u> </u> %	<u> </u> %	<u> </u> %
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

☒ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

- ✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

① I believe my shed is less than 10' from neighbors property = Michael Brooks, 19 Fourmstead Rd. ② Survey markers appear to have been changed since shed was built. ③ To move the shed would be costly - electric lines run from the house to the shed which provide electricity for inside lights and outside lights on the shed. ④ Lights light the area surrounding the shed. ⑤ Brick work and white stone surround the shed. ⑥ The siding and roof match the house. ⑦ The shed adds value.
(You may attach additional paperwork if more space is needed) (to last page)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

✓ upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

- ① The shed matches the main house - siding and roof. ② The border area is surrounded with white stones, brickwork, and shrubs. ③ The border area of the shed is lighted each day from dusk until dawn. ④ Outside lamps add beauty to the shed. ⑤ Curtains/blinds are hung on the door & windows.

IX. Attachments required:

- ③ ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
③ ✓ Copy of tax map showing adjacent properties.
③ N/A Copy of contract of sale, lease or franchise agreement.
③ ✓ Copy of deed and title policy
✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
③ N/A Copy(ies) of sign(s) with dimensions and location.
③ ✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
③ ✓ Photographs of existing premises from several angles.

Left exchanging
24 Feb. 97

X. Affidavit.

Date: March 19, 1997.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Charles P. Lomartie
(Applicant)

Sworn to before me this

19th day of March, 1997.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____.

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4304434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

value to my property and that of the neighborhood,
⑦ Shucks are planted around the shed. ⑧ To move the shed
with everything I have mentioned would be extremely costly
⑨ I have spoken to my neighbor Michael Brooks and he
does not object to the shed's location.

*Copy.***CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

THIS INDENTURE, made the 6th day of January, nineteen hundred and eighty-nine,
BETWEEN LUJAN HOME BUILDERS, INC., a New York corporation, with offices at
236 Route 306, Monsey, N.Y., 10952,

Ac *P.*
party of the first part, and CHARLES^A LOMARTERE residing at 129 Main Street, E-5,
Cornwall, N.Y., 12518, and ELIZABETH RUBINO, residing at 129 Main Street,
E-5, Cornwall, N.Y., 12518

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE ANNEXED SCHEDULE A.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Anthony Coste



LUJAN HOME BUILDERS, INC.

By

Michael Caldiero

MICHAEL CALDIERO, PRESIDENT

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ROCKLAND

On the 6th day of January, 19 89, before me personally came MICHAEL CALDIERO, to me known, who, being by me duly sworn, did depose and say that he resides at No. 5 Brookside Avenue, New City, N.Y. ; that he is the President of LUJAN HOME BUILDERS, INC.

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Anthony DeChapman Jr.

ANTHONY J. OCCHIPINTI, JR.
Notary Public, State of New York
No. 4507718

Residing in Rockland County

§§: STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

LUJAN HOME BUILDERS, INC.

TO

CHARLES LOMARTERE

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

*First American Title Insurance Company
of New York*



SECTION 41

BLOCK 3

LOT 2.41

~~CITY OF~~ TOWN OF NEW WINDSOR
COUNTY OF ORANGE

Recorded At Request of
First American Title Insurance Company of New York

RETURN BY MAIL TO:

RICHARD CLARINO, ESQ.
386 BROADWAY
NEWBURGH, N.Y., 12550

Zip No.

FOR USE OF RECORDING OFFICE

LIBER 3073 PAGE 163



SCHEDULE A

Page 2 of Policy No. 10-38291

The premises in which the insured has the estate or interest covered by this policy.

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York known as Lot #4 as shown on a map entitled "Subdivision of Lands for Lu-Jan Home Builders, Inc.", dated January 13, 1987 and filed in the Office of the Orange County Clerk on September 14, 1988 as Map #9094 and being more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Jay Street, said point being N 75° 01' 00" E, 73.00 feet from the southeast corner of the intersection formed by Jay Street and Brandon Court; thence;

(1) N 75° 01' 00" E, 100.00 feet along the southerly line of Jay Street to an iron pipe, thence;

(2) S 14° 59' 00" E, 150.00 feet along lands now or formerly of A.J.F. Enterprises, Inc., thence;

(3) S 75° 01' 00" W, 100.00 feet along lands now or formerly of Lu-Jan Home Builders, Inc., thence;

(4) N 14° 59' 00" W, 150.00 feet along lands now or formerly of Ferguson to the point of beginning.

BEING a portion of the premises mentioned and described in a deed from Doris Sanet, individually, and as co-trustee under the Last Will and Testament of Trust for the Benefit of Bessie Schiffman (upon the Estate of Morris W. Schiffman), which deed is dated 5/3/86 and was recorded in the Orange County Clerk's Office on 7/2/86 in Liber 2538 of Deeds, Page 70.

Said property is not subject to a credit line mortgage.

This conveyance is made in the usual course of business of Lujan Home Builders, Inc.

LIBER 3073 PAGE 162

28 Jay

RICHARD CLARINO

ATTORNEY AT LAW
386 Broadway
Newburgh, New York 12550

(914) 562-8877

February 16, 1989

Mr. Charles Lomartere
28 Jay Street
New Windsor, New York 12550

RE: Your Deed (28 Jay Street)

Dear Mr. Lomartere:

Enclosed please find your original deed in reference to the above-entitled matter which I suggest you keep in a safe place along with your other valuable documents. I have retained a photocopy for my file.

If you have any questions, please contact me.

Very truly yours,

Richard Clarino

RICHARD CLARINO

RC:lmr

enc.

Date 3/4/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553TO Frances Roth 147 Sycamore Dr DR
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
2/24/97	Zoning Board Mtg		75 00	
	Misc - 34			
	Pellegrino - 3			
	Lamartere - 6 27.00.			
	Mans - 17			
	Pizzo - 10			
	Nucifora - 3		193 50	
	43			
			268 50	

LAMARETERE, CHARLES P.

MR. NUGENT: Request for 3 ft. rear yard variance for existing shed in variation of Section 48-14A(1)(b) of the supplemental yard regulations at 28 Jay Street in an R-4 zone.

Mr. Charles Lamartere appeared before the board for this proposal.

MR. LAMATERE: I live at 28 Jay Street. When I filled that out, can I change the distance on that now? Can I request a change?

MR. NUGENT: He can change it for you.

MR. LAMARTERE: Can I read what I have here?

MR. NUGENT: Sure.

MR. LAMARTERE: I'm requesting a variance on my property located at 28 Jay Street for the following reasons. One, I am trying to refinance this property and recently discovered I do not have the correct distance from a shed built on my property line and that of my neighbor who lives on Farmstead Road, an area bank recently advised me I needed a distance of ten feet from the shed to my neighbor's property. I presently have approximately six feet. Survey marked appeared to have been changed since my home was built, the home was built in 1989 and the shed was built approximately in 1990 when a neighbor sold his house a few years ago, the entire neighborhood was resurveyed, the surveyor personally told me the original markers were not accurate. I spoke to him because I found them on my property that day. When the shed was built by a contractor, I was in Europe for personal emergency reasons, therefore was not home to check on the accuracy of where the shed was to be located. I believe the shed itself has added value to my property and to my neighborhood. The shed was built to match the appearance of my home, as you can see from these pictures which I will give you. I have had many compliments from my neighbors and visitors who have seen my home and my shed. To move the shed now would

be costly and inconvenient for the following reasons. Electric lines run from the house to the shed which provide lights inside the shed and for two lights located on the outside of the shed. As you can see from the photos, there's an electric plug located on the outside of the shed which provides electricity for the lights to light the shed from dusk to dawn. Shrubs, white stones and brick work surrounds the area around the shed which were costly. The shed is built on posts and not on a cement slab. To move the shed would possibly damage the structure and all the shrubs, brick work and everything I have put into it would have to be moved. Therefore, I'm requesting a variance of my property to refinance my home to meet the zoning regulations and to prevent any future problems, especially if I have to sell this property.

MR. NUGENT: Have you gone over this with your neighbors? Have you spoke with any of your neighbors?

*

MR. LAMARTERE: I was afraid you were going to ask that question. Letters from the neighborhood, I have been advised from a person in this, who works at the city hall and told me my neighbor does not have anything to do with the variance request, I checked with builder number one and he told me obtain a letter from your neighbor, take the letter to the meeting in case the zoning board requests the letter.

MR. NUGENT: You only have one neighbor?

MR. LAMARTERE: I have two that abut. And three, I went to another builder and he said don't request, don't request a letter from your neighbor because the neighbor may appear at the meeting and object to the variance.

MR. NUGENT: They are all going to have that right anyway.

MR. LAMARTERE: I give them the right.

MR. NUGENT: You're going to have to send letters to every neighbor within 500 feet of your house.

MR. LAMARTERE: I was not told this.

MR. NUGENT: The reason I asked you that question was not because of that information that you have, it's because when they get the letter, it's really not going to state what you're trying to do, it's basically going to state what I just read you, follow what I mean, so if you go to them as a gentleman and say listen, you know, I know I'm going for a variance, this is what I am going to do and this is the reason for it, you may not have anybody sitting in the audience.

MR. TORLEY: Everything we do here has to be done at a public hearing, this is a preliminary meeting so we can get an idea of what you want to do just so--

MR. LAMARTERE: I have to come back to another meeting?

MR. TORLEY: So far it's been free.

MS. BARNHART: Michael, are we changing any of the numbers?

MR. NUGENT: You asked about changing, what did you want to change?

MR. LAMARTERE: I was advised on than one too because survey lines change, I'm told--

MR. TORLEY: Better make sure of the distances.

MR. KRIEGER: What's the worst case right now based on the survey?

MR. LAMARTERE: Right now six feet, I would ask for six feet.

MR. NUGENT: Fine, then ask for six feet.

MR. TORLEY: Because if it turns out you need six feet two inches, then you have got a 6 foot variance and somebody else comes in and surveys and says you need a 6 foot 2 inch variance.

MR. KANE: The bank will hold you to six foot two

inches.

MR. LAMARTERE: Let me ask for seven feet then.

MR. KANE: You had 6 foot you measured so you really believe what you need is four foot.

MR. LAMARTERE: I'm going to ask for six.

MR. KANE: If you have it for 6, you have got more in hand.

MS. BARNHART: Mike, do you want to change it?

MR. BABCOCK: Are you now saying your shed is six foot from the property line or are you saying that it is four?

MR. LAMARTERE: I want additional six feet.

MR. TORLEY: It's four feet from the property line.

MR. LAMARTERE: Yes and to make it I want six feet.

MR. TORLEY: As the chairman said, the letter that goes out is a form letter, so please if you tell your neighbors, they may think you're trying to put up a toxic waste dump there, just tell them what you want to do.

MR. LAMARTERE: Now the letters come back to you?

MR. TORLEY: They will.

MR. NUGENT: You'll bring them to the meeting.

MS. BARNHART: We'll give you all the paperwork after this meeting, after this particular segment of the meeting.

MS. OWEN: How close is the shed behind your shed, how much room is between the two sheds, your neighbor's shed?

MR. LAMARTERE: His shed?

MR. LAMARTERE: How did you know he had a shed?

MS. OWEN: I investigated it, I wanted to see what it looked like.

MR. LAMARTERE: I don't know how far off, I just happen to see, I didn't even look. I'm not worried about his shed.

MS. OWEN: I'm just wondering how much room you have between the two sheds.

MR. LAMARTERE: I don't know, I'm sorry, mine is set here and his is set over in here, his is further up.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we grant Mr. Lamatere a public hearing on his requested variance.

MR. KANE: Second the motion.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MS. BARNHART: May I keep the photographs?

MR. LAMARTERE: Yes.

MS. BARNHART: I don't need all of them. Here's your paperwork.

MR. KRIEGER: When you come back, you have covered it in your statement, but if you'd address yourself to those criteria, that would be helpful because those are the criteria the state requires that the zoning board act upon.

MR. LAMARTERE: Thank you very much. I have a deed with me.

MS. BARNHART: That is on the list of items.

MR. KRIEGER: Just bring it so I can look at it, I don't need a copy or anything.

MR. LAMARTERE: Thank you very much.